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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,459	07/23/2003	Alan E. Stein	ITW7510.054	1458
33647	7590	02/01/2008	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)			KERN, KEVIN P	
136 S WISCONSIN ST			ART UNIT	PAPER NUMBER
PORT WASHINGTON, WI 53074			1725	
NOTIFICATION DATE		DELIVERY MODE		
02/01/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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In re application of
Stein et al.
Serial No. 10/604,459
Filed: July 23, 2003
For: Method And Apparatus To Adaptively Cool A
Welding-Type System

: DECISION ON
PETITION

This is a decision on request for reconsideration of the Petitions filed September 22, 2005 and February 3, 2006. A final rejection was mailed out July 19, 2005. Applicants filed a petition to withdraw the finality of the office action on September 22, 2005. The petition was denied on January 3, 2006. A reconsideration of the petition decision was filed February 3, 2006. The request for reconsideration was dismissed on March 15, 2006. The application was abandoned on March 15, 2006 for applicants' failure to timely file a proper reply in response to the Office Action of July 19, 2005. Applicants filed a response on September 22, 2005 and the examiner in his advisory action of January 12, 2006 considered Applicants reply but it did not place the application in condition for allowance. The applicants were informed that the period for reply expires 3 months from the mailing date of the final rejection dated July 19, 2005.

Applicants assert that the abandonment was not proper because the applicant did file a response on September 22, 2005. However it should be noted that while applicants did file a response after final on September 22, 2005, the proposed reply did not constitute a proper reply under 37 C.F.R. 1.113(a) to the final rejection. A proper reply under 37 C.F.R. 1.113 to final rejection consists only of (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or a (3) a timely filed request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

DECISION

The petition is **DENIED**.

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